

PATENT

Attorney Docket No. CUTLER-08521

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Stefan Kwiatkowski

Serial No.:

10/781,451

Group No.: 1625

Filed:

02/18/04

Examiner: Morris

Entitled:

Dichlorinated Heterocyclic Compounds And Methods Of Synthesis

AMENDMENT TRANSMITTAL

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 7, 2005By: Thomas W. Brown

Thomas W. Brown

Sir or Madam:

Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	1	—	20	0	×	50.00	\$0.00
Independent Claims	1	—	3	0	×	200.00	\$0.00

TOTAL DUE

0.00

1. No additional fee is required.
2. Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.
3. Copy of Notice of Non-Compliant Amendment.

Dated: January 7, 2005By: Thomas W. Brown

Thomas W. Brown

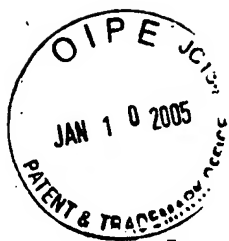
Registration No. 50,002

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PATENT

Attorney Docket No. CUTLER-08521

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stefan Kwiatkowski

Serial No.: 10/781,451

Art Unit: 1625


Filed: 02/18/04

Examiner: Morris

Entitled: **Dichlorinated Heterocyclic Compounds And Methods Of Synthesis**

**RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT MAILED DECEMBER 07, 2004**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)</p> <p>I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p>Dated: <u>January 7, 2005</u></p> <p>By: <u></u> Thomas W. Brown</p>
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Madam:

In response to the Notice of Non-Compliant Amendment mailed December 07, 2004; please enter the instant correspondence, in the prosecution of the patent application captioned above, and amend this same application as follows. These amendments place the instant divisional application, of prior application Serial No. 10/281,563 filed on October 28, 2002, in condition for examination. Included, herewith, is a copy of the Notice of Non-Compliant Amendment mailed December 07, 2004.

Amendments to the Claims are reflected in the listing of claims which begin on page two of this paper.

Amendments to the Specification begin on page four of this paper.

Remarks begin on page five of this paper.



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QCY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,451	12/07/2004	Stefan Kwiatkowski	CUTLER-08521	1766

7590

12/07/2004

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RECEIVED

DEC 13 2004

MEDLEN & CARROLL

EXAMINER

MORRIS, PATRICIA L

ART UNIT

PAPER NUMBER

1625

DATE MAILED: 12/07/2004

Resp. 1/7/05 (absolute
210 deadline)

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Notice of Non-Compliant Amendment (37 CFR 1.121)

Amendment document filed on 2-18-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☒ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Coralia Betancourt
Legal Instruments Examiner (LIE)

571-272-0509
Telephone No.